

**SUPREME COURT MINUTES
THURSDAY, JANUARY 5, 2012
SAN FRANCISCO, CALIFORNIA**

S182042 C060532 Third Appellate District **PEOPLE v. MAULTSBY
(WILLIAM FREDERICK)**

Opinion filed: Judgment reversed

Based on the foregoing, we reverse the judgment of the Court of Appeal and remand the matter for further proceedings consistent with this opinion.

Majority Opinion by Chin, J.

-- joined by Kennard, A. C. J., Baxter, Werdegar, Corrigan, Liu, and Bruiniers*, JJ.

* Associate Justice of the Court of Appeal, First Appellate District, Division Five, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

S197738 B222456 Second Appellate District, Div. 2 **PEOPLE v. KAMACK
(RAMELLE)**

The time for granting or denying review in the above-entitled matter is hereby extended to February 15, 2012.

S197859 H035320 Sixth Appellate District **PEOPLE v. URIBE
(AUGUSTIN SANTILLAH)**

The time for granting or denying review in the above-entitled matter is hereby extended to February 10, 2012.

S197961 D057997 Fourth Appellate District, Div. 1 **RODRIGUEZ (JOSE) ON H.C.**
The time for granting or denying review in the above-entitled matter is hereby extended to February 10, 2012.

S198041 A127468 First Appellate District, Div. 5 **PEOPLE v. ZAMORA (ERIC
JOVAN)**

The time for granting or denying review in the above-entitled matter is hereby extended to February 15, 2012.

S198051 E051031 Fourth Appellate District, Div. 2 **PEOPLE v. MATEO
(VALENTIN DIEGO)**

The time for granting or denying review in the above-entitled matter is hereby extended to February 15, 2012.

S198056 A129416 First Appellate District, Div. 5 **PEOPLE v. SMITH
(FRAISURE)**

The time for granting or denying review in the above-entitled matter is hereby extended to February 15, 2012.

S198057 F059471 Fifth Appellate District **PEOPLE v. LEON (MARIO
ANTHONY)**

The time for granting or denying review in the above-entitled matter is hereby extended to February 15, 2012.

S076340 **PEOPLE v. NGUYEN (LAM
THANH)**

Extension of time granted

Good cause appearing, and based upon counsel Richard C. Neuhoff's representation that he anticipates filing the appellant's reply brief by end of July 2012, counsel's request for an extension of time in which to file that brief is granted to February 27, 2012. After that date, only three further extensions totaling about 150 additional days are contemplated.

S097558 **PEOPLE v. GARTON (TODD
JESSE)**

Extension of time granted

Good cause appearing, and based upon counsel Jeffrey J. Gale's representation that he anticipates filing the appellant's opening brief by February 27, 2012, counsel's request for an extension of time in which to file that brief is granted to February 27, 2012. After that date, no further extension is contemplated.

An application to file an overlength brief must be served and filed no later than 60 days before the anticipated filing date. (See Cal. Rules of Court, rule 8.631(d)(1)(A)(ii) & (B)(ii).)

S132256 **PEOPLE v. HELZER (GLEN
TAYLOR)**

Extension of time granted

On application of appellant and good cause appearing, it is ordered that the time to serve and file appellant's opening brief is extended to February 27, 2012.

S133660**PEOPLE v. AMEZCUA
(OSWALDO) & FLORES
(JOSEPH CONRAD)**

Extension of time granted

Good cause appearing, and based upon counsel Janyce Keiko Imata Blair's representation that she anticipates filing appellant Oswaldo Amezcua's opening brief by June 30, 2012, counsel's request for an extension of time in which to file that brief is granted to February 27, 2012. After that date, only two further extensions totaling about 120 additional days are contemplated.

An application to file an overlength brief must be served and filed no later than 60 days before the anticipated filing date. (See Cal. Rules of Court, rule 8.631(d)(1)(A)(ii) & (B)(ii).)

S140894**PEOPLE v. MIRACLE
(JOSHUA MARTIN)**

Extension of time granted

On application of appellant and good cause appearing, it is ordered that the time to serve and file appellant's opening brief is extended to February 28, 2012.

S148462**PEOPLE v. YOUNG
(JEFFREY SCOTT)**

Extension of time granted

On application of appellant and good cause appearing, it is ordered that the time to serve and file appellant's opening brief is extended to February 27, 2012.

S155510**PRINCE, JR., (CLEOPHUS)
ON H.C.**

Extension of time granted

Good cause appearing, and based upon Deputy Attorney General Quisteen S. Shum's representation that she anticipates filing the informal response to the petition for writ of habeas corpus by May 31, 2012, counsel's request for an extension of time in which to file that document is granted to February 27, 2012. After that date, only two further extensions totaling about 90 additional days are contemplated.

S167100**ZAMUDIO JIMENEZ
(SAMUEL) ON H.C.**

Extension of time granted

Good cause appearing, and based upon counsel Sara Cohbra's representation that she anticipates filing the reply to the informal response to the petition for writ of habeas corpus by November 1, 2012, counsel's request for an extension of time in which to file that document is granted to February 27, 2012. After that date, only five further extensions totaling about 250 additional days

will be granted.

S193534

**WEAVER (LA TWON) ON
H.C.**

Extension of time granted

Good cause appearing, and based upon Deputy Attorney General Angela M. Borzachillo's representation that she anticipates filing the informal response to the petition for writ of habeas corpus by February 28, 2012, counsel's request for an extension of time in which to file that document is granted to February 28, 2012. After that date, no further extension is contemplated.

S194121

D056943 Fourth Appellate District, Div. 1

**ELK HILLS POWER LLC v.
BOARD OF EQUALIZATION**

Extension of time granted

On application of State Board of Equalization, respondent and good cause appearing, it is ordered that the time to serve and file the answer brief on the merits is extended to February 17, 2012.

S198776

B224025 Second Appellate District, Div. 2

**HARRIS (LINDA M.) v.
AMERICAN
INTERNATIONAL GROUP,
INC.**

Extension of time granted

On application of respondent, PricewaterhouseCoopers LLP, and good cause appearing, it is ordered that the time to serve and file the answer to petition for review is extended to January 19, 2012.

S064733

**PEOPLE v. ABEL (JOHN
CLYDE)**

Order filed

The order filed on January 4, 2012, is amended to read as follows:

Appellant's motion to unseal Court Exhibit 2 is granted. The Clerk is directed to send copies of Court Exhibit 2 to counsel for the parties.

On or before January 10, 2012, appellant may serve and file an opening letter brief, not exceeding 10 pages, limited to the question of whether the records contained in Court Exhibit 2 show on their face that the trial court erred in its ruling concerning their disclosure. On or before January 12, 2012, respondent may serve and file a letter brief, not exceeding 10 pages. Any reply by appellant, which may not exceed five pages, must be served and filed on or before January 13, 2012. Counsel must serve and file these briefs by e-mail or by facsimile, with the original following by mail.

Appellant's motion to file under seal his unredacted motion to unseal is denied in light of the

court's order, dated December 30, 2011, unsealing Court Exhibit 2. The Clerk is directed to make the unredacted motion part of the public record in this case. Appellant's motion to file under seal his unredacted reply to respondent's opposition is granted. In ordering this sealing, the court makes the findings required by California Rules of Court, rules 2.550(d) and 8.46(e). The Clerk is directed to file the unredacted reply under seal.

S178823 H031992 Sixth Appellate District

**PEOPLE v. HERNANDEZ
(JACOB TOWNLEY)**

Request for judicial notice denied

Appellant's request for judicial notice, filed on June 17, 2010, is denied.

S198387

**VANDERMOST (JULIE) v.
BOWEN (DEBRA)/(CITIZENS
REDISTRICTING
COMMISSION)**

Order filed

The request of respondent to allocate to intervenor Citizens Redistricting Commission 20 minutes of respondent's 30-minute allotted time for oral argument is granted.

S198885

**PEYTON (LEE) v. S.C.
(PEOPLE)**

Transferred to Court of Appeal, Second Appellate District

The above-entitled matter is transferred to the Court of Appeal, Second Appellate District, Division Six.

S197330

WILLIAMS ON DISCIPLINE

Recommended discipline imposed

The court orders that JENNIFER YVONNE WILLIAMS, State Bar Number 242146, is suspended from the practice of law in California for three years, execution of that period of suspension is stayed, and she is placed on probation for three years subject to the following conditions:

1. JENNIFER YVONNE WILLIAMS is suspended from the practice of law for the first 60 days of probation;
2. JENNIFER YVONNE WILLIAMS must comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on September 9, 2011; and
3. At the expiration of the period of probation, if JENNIFER YVONNE WILLIAMS has complied with all conditions of probation, the three-year period of stayed suspension will be satisfied and that suspension will be terminated.

JENNIFER YVONNE WILLIAMS must also take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order and provide satisfactory proof of such passage to the State Bar's Office of Probation in Los Angeles within the same period. Failure to do so may result in suspension. (Cal. Rules of Court, rule 9.10(b).) Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment. One-third of the costs must be paid with membership fees for each of the years 2013, 2014, and 2015. If JENNIFER YVONNE WILLIAMS fails to pay any installment as described above, or as may be modified by the State Bar Court, the remaining balance is due and payable immediately.

S197332**SCHWARTZ ON DISCIPLINE**

Recommended discipline imposed

The court orders that IVAN BARRY SCHWARTZ, State Bar Number 153264, is suspended from the practice of law in California for three years, execution of that period of suspension is stayed, and he is placed on probation for three years subject to the following conditions:

1. IVAN BARRY SCHWARTZ is suspended from the practice of law for the first six months of probation (with credit given for inactive enrollment, which was effective December 1, 2010, through May 31, 2011 (Bus. & Prof. Code, § 6233));
2. IVAN BARRY SCHWARTZ must comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Decision filed on September 2, 2011; and
3. At the expiration of the period of probation, if IVAN BARRY SCHWARTZ has complied with all conditions of probation, the three-year period of stayed suspension will be satisfied and that suspension will be terminated.

IVAN BARRY SCHWARTZ must also take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order and provide satisfactory proof of such passage to the State Bar's Office of Probation in Los Angeles within the same period. Failure to do so may result in suspension. (Cal. Rules of Court, rule 9.10(b).)

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment. Costs must be paid with his membership fees for the year 2013. If IVAN BARRY SCHWARTZ fails to pay costs as described above, or as may be modified by the State Bar Court, costs are due and payable immediately.

S197334**PATTERSON ON
DISCIPLINE**

Recommended discipline imposed: disbarred

The court orders that JAMES ROBERT PATTERSON, State Bar Number 171580, is disbarred from the practice of law in California and that his name is stricken from the roll of attorneys. JAMES ROBERT PATTERSON must make restitution as recommended by the Hearing

Department of the State Bar Court in its Decision filed on August 25, 2011. Any restitution owed to the Client Security Fund is enforceable as provided in Business and Professions Code section 6140.5, subdivisions (c) and (d).

JAMES ROBERT PATTERSON must also comply with California Rules of Court, rule 9.20, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

S197340**NORTON ON DISCIPLINE**

Recommended discipline imposed

The court orders that MARVIN CHANCELLOR RICCY NORTON, State Bar Number 165367, is suspended from the practice of law in California for one year, execution of that period of suspension is stayed, and he is placed on probation for two years subject to the following conditions:

1. MARVIN CHANCELLOR RICCY NORTON must comply with the conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on September 9, 2011; and
2. At the expiration of the period of probation, if MARVIN CHANCELLOR RICCY NORTON has complied with the terms of probation, the one-year period of stayed suspension will be satisfied and that suspension will be terminated.

MARVIN CHANCELLOR RICCY NORTON must also take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order and provide satisfactory proof of such passage to the State Bar's Office of Probation within the same period. Failure to do so may result in suspension. (Cal. Rules of Court, rule 9.10(b).)

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment. One-third of the costs must be paid with membership fees for each of the years 2013, 2014, and 2015. If MARVIN CHANCELLOR RICCY NORTON fails to pay any installment as described above, or as may be modified by the State Bar Court, the remaining balance is due and payable immediately.

S197344**FOSTER ON DISCIPLINE**

Recommended discipline imposed: disbarred

The court orders that CRAIG DOUGLAS FOSTER, State Bar Number 179488, is disbarred from the practice of law in California and that his name is stricken from the roll of attorneys.

CRAIG DOUGLAS FOSTER must also comply with California Rules of Court, rule 9.20, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.

Costs are awarded to the State Bar in accordance with Business and Professions Code section

6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

S197346**HARRIS ON DISCIPLINE**

Recommended discipline imposed

The court orders that ANTHONY HARRIS, State Bar Number 220714, is suspended from the practice of law in California for two years, execution of that period of suspension is stayed, and he is placed on probation for three years subject to the following conditions:

1. ANTHONY HARRIS is suspended from the practice of law for the first six months of probation;
2. ANTHONY HARRIS must comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on September 8, 2011; and
3. At the expiration of the period of probation, if ANTHONY HARRIS has complied with all conditions of probation, the two-year period of stayed suspension will be satisfied and that suspension will be terminated.

ANTHONY HARRIS must also take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order and provide satisfactory proof of such passage to the State Bar's Office of Probation in Los Angeles within the same period.

Failure to do so may result in suspension. (Cal. Rules of Court, rule 9.10(b).)

ANTHONY HARRIS must also comply with California Rules of Court, rule 9.20, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order. Failure to do so may result in disbarment or suspension.

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment. One-third of the costs must be paid with his membership fees for each of the years 2013, 2014, and 2015. If ANTHONY HARRIS fails to pay any installment as described above, or as may be modified by the State Bar Court, the remaining balance is due and payable immediately.

S197349**JOHNSON ON DISCIPLINE**

Recommended discipline imposed

The court orders that CHRISTINA JOHNSON, State Bar Number 114232, is suspended from the practice of law in California for one year, execution of that period of suspension is stayed, and she is placed on probation for two years subject to the following conditions:

1. CHRISTINA JOHNSON is suspended from the practice of law for the first 30 days of probation;
2. CHRISTINA JOHNSON must comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Decision filed on August 23, 2011; and

3. At the expiration of the period of probation, if CHRISTINA JOHNSON has complied with all conditions of probation, the one-year period of stayed suspension will be satisfied and that suspension will be terminated.

CHRISTINA JOHNSON must also take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order and provide satisfactory proof of such passage to the State Bar's Office of Probation in Los Angeles within the same period.

Failure to do so may result in suspension. (Cal. Rules of Court, rule 9.10(b).)

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

S197351**JUAREZ ON DISCIPLINE**

Recommended discipline imposed

The court orders that GEORGE A. JUAREZ, State Bar Number 75295, is suspended from the practice of law in California for two years, execution of that period of suspension is stayed, and he is placed on probation for two years subject to the following conditions:

1. GEORGE A. JUAREZ is suspended from the practice of law for the first year of probation;
2. GEORGE A. JUAREZ must comply with the other conditions of probation recommended by the Review Department of the State Bar Court in its Opinion filed on September 8, 2011; and
3. At the expiration of the period of probation, if GEORGE A. JUAREZ has complied with all conditions of probation, the two year period of stayed suspension will be satisfied and that suspension will be terminated.

GEORGE A. JUAREZ must also comply with California Rules of Court, rule 9.20, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order. Failure to do so may result in disbarment or suspension.

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

S199002**PANCOST ON
RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of KAREN BETH PANCOST, State Bar Number 72185, as a member of the State Bar of California is accepted.

KAREN BETH PANCOST must also comply with rule 9.20 of the California Rules of Court and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.

S199004**PRICE ON RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of BARBARA EASTER PRICE, State Bar Number 72296, as a member of the State Bar of California is accepted.

BARBARA EASTER PRICE must also comply with rule 9.20 of the California Rules of Court and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.

S199007**SPADER ON RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of ROBERT JOSEPH SPADER, State Bar Number 112103, as a member of the State Bar of California is accepted.

ROBERT JOSEPH SPADER must also comply with rule 9.20 of the California Rules of Court and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.

S199008**DICKER ON RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of BARRY RICHARD DICKER, State Bar Number 43313, as a member of the State Bar of California is accepted.

BARRY RICHARD DICKER must also comply with rule 9.20 of the California Rules of Court and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.

S199009**HILL ON RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of REBECCA THOMPSON HILL, State Bar Number 66190, as a member of the State Bar of California is accepted.

REBECCA THOMPSON HILL must also comply with rule 9.20 of the California Rules of Court and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.

S199010**JENKINS ON RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of DEE-ANN KAY JENKINS, State Bar Number 129922, as a member of the State Bar of California is accepted.

DEE-ANN KAY JENKINS must also comply with rule 9.20 of the California Rules of Court and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.

S199011**KENAGY ON RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of DAVID RICHARD KENAGY, State Bar Number 76984, as a member of the State Bar of California is accepted.

DAVID RICHARD KENAGY must also comply with rule 9.20 of the California Rules of Court and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.

**SUPREME COURT MINUTES
THURSDAY, JANUARY 5, 2012
SAN FRANCISCO, CALIFORNIA**

The Supreme Court of California convened in the courtroom of the Earl Warren Building, 350 McAllister Street, Fourth Floor, San Francisco, California, on Thursday, January 5, 2012, at 9:00 a.m.

Present: Chief Justice Tani Cantil-Sakauye, presiding, and Associate Justices Kennard, Baxter, Werdegarr, Chin, Corrigan, and Liu.

Officers present: Frederick K. Ohlrich, Clerk, and Gail Gray, Calendar Coordinator.

S171382 Terry Quarry et al., Plaintiffs and Appellants,
v.
Doe 1, Defendant and Respondent.

Cause called. Margaret M. Grignon argued for Respondents. Irwin M. Zalkin argued for Appellants.

Ms. Grignon replied.
Cause submitted.

S188982 C.A., A Minor, etc., et al., Plaintiffs and Appellants,
v.
William S. Hart Union High School District et al., Defendants and Respondents.

Cause called. Stuart B. Esner argued for Appellants. Robert A. Olson argued for Respondent.

Mr. Esner replied.
Cause submitted.

S065733 The People, Respondent,
 v.
 John Clyde Abel, Appellant.

Cause called. Mary K. McComb, Office of the Public Defender, argued for Appellant.
James D. Dutton, Office of the Attorney General, argued for Respondent.

Ms. McComb replied.
Cause submitted.

Court adjourned.

